

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,)	
)	Civil Action No. 2:09-4607
)	
Plaintiffs,)	Judge Michael M. Baylson
)	
v.)	
)	DEFENDANT'S FIRST SET OF
THE HONORABLE ERIC H. HOLDER, JR.,)	INTERROGATORIES AND REQUESTS
Attorney General,)	FOR PRODUCTION
)	
Defendant.)	

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

INTERROGATORY NO. 2: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person whom you intend to call as a witness at any evidentiary proceeding or trial held in the above-captioned matter, including all plaintiffs and

expert witnesses you intend to call.

INTERROGATORY NO. 3: For each person identified in Interrogatory Number 2, describe in detail the expected content and nature of the person's testimony, and state the likelihood that the person will testify.

INTERROGATORY NO. 4: Identify by title, date, publisher, distributor, location, and URL all documents and electronically stored information, including webpages, you intend to introduce as evidence in this litigation.

INTERROGATORY NO. 5: If you contend that you (and/or, for an organizational plaintiff, any of your members) are a primary producer of one or more matters containing visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A, identify by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten such matters containing such visual depictions that you and/or your members have produced (or, if the total number that you and/or your members have produced is less than ten, all such matters containing such visual depictions that you and/or your members have produced) and state whether the sexually-explicit conduct in the depictions in each of these matters was actual or simulated or both.

INTERROGATORY NO. 6: If you contend that 18 U.S.C. §§ 2257, 2257A, and/or their implementing regulations are not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), or are overbroad, identify, per contention, by full name, all aliases, address, telephone number, e-mail address, and website URL all persons, including plaintiffs, who have personal knowledge of facts relating to each of those contentions.

INTERROGATORY NO. 7: With respect to each person you have identified in

response to Interrogatory Number 6, list in complete detail, per person you have identified, those facts known by that person that support either the contention that 18 U.S.C. §§ 2257, 2257A, and/or their implementing regulations are not narrowly tailored as applied to you and/or your members, or the contention that those provisions are overbroad.

INTERROGATORY NO. 8: If you (and/or, for an organizational plaintiff, your members) restrict those persons that appear in visual depictions that you or your members produce of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A based on age, identify all procedures that you and/or your members have employed or currently employ to ascertain or verify the ages of those persons.

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

- i. 18-25
- ii. 26-35
- iii. 36-45
- iv. 46-55

v. 56-65

vi. over 65

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

INTERROGATORY NO. 11: With respect to each statutory and/or regulatory requirement that you identified in response to Interrogatory Number 10 and that you contend is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), identify, per such requirement, by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten visual depictions that you and/or your members have produced of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that support your claim (or, if the total number that you and/or your members have produced that support your claim is less than ten, all such visual depictions that you and/or your members have produced).

INTERROGATORY NO. 12: With respect to each statutory and/or regulatory requirement that you identified in response to Interrogatory Number 10 and that you contend is overbroad, identify, per requirement, by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of one hundred visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or

2257A that support your claim (or, if the total number of visual depictions that support your claims is less than one hundred, all such visual depictions).

II. REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Fed. R. Civ. P. 34, each plaintiff is hereby requested to produce, separately from other plaintiffs (or to the extent all plaintiffs' responses to any Request are identical, separately signed and sworn), and under oath the documents or electronically stored information set forth below, and to provide the requested material -- in html format for website content, in Windows Media Player (.wmv) format for film or video content, in original resolution Jpeg (.jpg) format for still images, or in searchable pdf format for other material -- by the applicable deadline to defendant's undersigned counsel by delivery to 20 Massachusetts Ave., N.W., Room 7124, Washington, D.C. 20530.

REQUEST NO. 1: All documents or electronically stored information that any plaintiff relied on in responding to defendant's interrogatories.

REQUEST NO. 2: All documents or electronically stored information identified in plaintiffs' interrogatory responses.

REQUEST NO. 3: All documents or electronically stored information that plaintiffs intend to rely on in any evidentiary proceeding or at trial.

REQUEST NO. 4: All documents or electronically stored information relating to the plaintiffs' alleged costs (and/or, for an organizational plaintiff, the costs of plaintiffs' members) of complying with 18 U.S.C. §§ 2257 and 2257 and their implementing regulations.

September 10, 2012

Respectfully submitted,

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